


U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED FEB - 6 2006 CLERK, U.S. DISTRICT COURT By  Deputy

B/BH
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS Division

PETITION FOR A WRIT OF HABEAS CORPUS BY A
PERSON IN STATE CUSTODY

ARTHUR CARSON

WILLIAM P. CLEMENTS

PETITIONER

(Full name of Petitioner)

CURRENT PLACE OF CONFINEMENT

517349

vs.

PRISONER ID NUMBER

Doug Dretke, Dir.,

3 - 0 6 CV - 0 2 5 2 B

RESPONDENT

(Name of TDCJ Director, Warden, Jailor, or
authorized person having custody of petitioner)

CASE NUMBER

(Supplied by the Clerk of the District Court)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed by the petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except in answer to questions 11 and 20. Do not cite legal authorities. Any additional arguments or facts you want to present must be in a separate memorandum.
3. When the Clerk of Court receives the \$5.00 filing fee, the Clerk will file your petition if it is in proper order.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-ID, you must send in a certified *In Forma Pauperis* Data Sheet from the institution in which you are confined. If you are in an institution other than TDCJ-ID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only judgments entered by one court may be challenged in a single petition. If you want to challenge judgments entered by different courts, either in the same state or in different states, you must file separate petitions as to each court.
 6. Include all your grounds for relief and all the facts that support each ground for relief in this petition.
 7. When you have finished filling out the petition, mail the original and two copies to the Clerk of the United States District Court for the federal district within which the State court was held which convicted and sentenced you, or to the federal district in which you are in custody. A "VENUE LIST," which lists U.S. District Courts in Texas, their divisions, and the addresses for the clerk's office for each division, is posted in your unit law library. You may use this list to decide where to mail your petition.
 8. Petitions that do not meet these instructions may be returned to you.
-

PETITION

What are you challenging? (Check only one)

- ☐ A judgment of conviction or sentence, (Answer Questions 1-4, 5-12 & 20-23)
probation or deferred-adjudication probation
- ☐ A parole revocation proceeding. (Answer Questions 1-4, 13-14, & 20-23)
- ☐ A disciplinary proceeding. (Answer Questions 1-4, 15-19 & 20-23)

All petitioners must answer questions 1-4:

1. Name and location of the court (district and county) which entered the conviction and sentence that you are presently serving or that is under attack:
Criminal District Court NO.2 of Dallas County, Tx.
 2. Date of judgment of conviction: 7/6/89
 3. Length of sentence: 20 Years
 4. Nature of offense and docket number (if known): Attempted Murder, NO.F-88-8496-LI
-

Judgment of Conviction or Sentence, Probation or Deferred-Adjudication Probation:

5. What was your plea? (Check one)

☒ Not Guilty ☐ Guilty ☐ Nolo contendere

6. Kind of trial: (Check one) ☒ Jury ☐ Judge Only

7. Did you testify at the trial? ☐ Yes ☒ No
8. Did you appeal the judgment of conviction? ☒ Yes ☐ No
9. If you did appeal, in what appellate court did you file your direct appeal?

Fifth Dist. Court Appeals Cause Number (if known) 05-89-00834-CR

What was the result of your direct appeal (affirmed, modified or reversed): affirmed

What was the date of that decision? 12/12/90

If you filed a petition for discretionary review after the decision of the court of appeals, answer the following:

Result: Refused

Date of result: unavailable Cause Number (if known): unavailable

If you filed a petition for *writ of certiorari* with the United States Supreme Court, answer the following:

Result: _____

Date of result: _____

10. Other than a direct appeal, have you filed any petitions, applications or motions from this judgment in any court, state or federal? This includes any state application for writ of habeas corpus that you may have filed.

☒ Yes ☐ No

11. If your answer to 10 is "Yes," give the following information:

Name of court: Criminal District Court NO.2 Dallas,

Nature of proceeding: State habeas Corpus

Cause number (if known): W-88-8496 (H)

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court. 10/20/05 ~~unavailable~~

Grounds raised: False Representation AND misuse OR non use
OF CALCULATED GOOD/WORKTIME CREDITS

Date of final decision: 1/25/06

Name of court that issued the final decision: COURT OF CRIMINAL APPEALS

As to any second petition, application or motion, give the same information:

Name of court: _____

Nature of proceeding: _____

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court.

Grounds raised: _____

Date of final decision: _____

Name of court that issued the final decision: _____

If you have filed more than two petitions, applications, or motions, please attach an additional sheet of paper and give the same information about each petition, application, or motion.

12. Do you have any future sentence to serve after you finish serving the sentence you are attacking in this petition?

☐ Yes ☒ No

- (a) If your answer is "yes," give the name and location of the court that imposed the sentence to be served in the future:

- (b) Give the date and length of the sentence to be served in the future: _____

- (c) Have you filed, or do you intend to file, any petition attacking the judgment for the sentence you must serve in the future?

☐ Yes ☐ No

Parole Revocation:

13. Date and location of your parole revocation: _____
14. Have you filed any petitions, applications, or motions in any state or federal court challenging your parole revocation?
- ☐ Yes ☐ No

If your answer is "yes," complete Question 11 above regarding your parole revocation.

Disciplinary Proceedings:

15. For your original conviction, was there a finding that you used or exhibited a deadly weapon? ☐ Yes ☐ No
16. Are you eligible for mandatory supervised release? ☐ Yes ☐ No
17. Name and location of prison or TDCJ Unit that found you guilty of the disciplinary violation:

Disciplinary case number: _____

18. Date you were found guilty of the disciplinary violation: _____
- Did you lose previously earned good-time credits? ☐ Yes ☐ No

Identify all punishment imposed, including the length of any punishment if applicable, any changes in custody status, and the number of earned good-time credits lost: _____

19. Did you appeal the finding of guilty through the prison or TDCJ grievance procedure?
- ☐ Yes ☐ No

If your answer to Question 19 is "yes," answer the following:

Step 1 Result: _____

Date of Result: _____

Step 2 Result: _____

Date of Result: _____

All applicants must answer the remaining questions:

20. State clearly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting them.

CAUTION:

Exhaustion of State Remedies: You must ordinarily present your arguments to the highest state court as to each ground before you can proceed in federal court.

Subsequent Petitions: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

Following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement is a separate ground for possible relief. You may raise any grounds, even if not listed below, if you have exhausted your state court remedies. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your belief that you are being held unlawfully.

DO NOT JUST CHECK ONE OR MORE OF THE LISTED GROUNDS. Instead, you must also STATE the SUPPORTING FACTS for ANY ground you rely upon as the basis for your petition.

- (a) Conviction obtained by a plea of guilty which was unlawfully induced, or not made voluntarily, or made without an understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by the use of a coerced confession.
- (c) Conviction obtained by the use of evidence gained from an unconstitutional search and seizure.
- (d) Conviction obtained by the use of evidence obtained from an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the prosecution's failure to tell the defendant about evidence favorable to the defendant.
- (g) Conviction obtained by the action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (h) Conviction obtained by a violation of the protection against double jeopardy.
- (i) Denial of effective assistance of counsel.
- (j) Denial of the right to appeal.
- (k) Violation of my right to due process in a disciplinary action taken by prison officials.

A. **GROUND ONE: FALSE REPRESENTATION AND MISUSE OR NONE USE
OF CALCULATED GOOD/WORK TIME CREDITS**

Supporting FACTS (tell your story briefly without citing cases or law):

Petitioner is currently being detained illegally upon false
Representation and collation of Good/Work Time credits.where
Petitioner have 17 years flat, 4 years 8 , 1 Months, 15 days Goodtime;
3 Years 3 Months 18 days Worktime credits for more than 24 years,
total credits on Petitioner's 20 Year sentence.the credits have
see supplemental pages attached**

B. **GROUND TWO: The STATE COURT'S PAPER HEARING WAS UNFAIR
AND WITHOUT JURISDICTION:**

Supporting FACTS (tell your story briefly without citing cases or law):

The State Court's finding were not ubiquitous and were not

an extrapolation from any aspect of the claim,nor did the
Court permit Petitioner to fully develop the claim and record,
with a full and fair Hearing,by prematurely truncating the
process with a paper hearing that was inappropriately conducted
with the use of hearsay documents,e.g., "The Records from the -

C. **GROUND THREE:**

Supporting FACTS (tell your story briefly without citing cases or law):

GROUND ONE
CONTINUE:

been applied mythically in TDCJ'S Computer, or as Fraud. where this deception is solely to exploit and deceive 3g Offenders, since good/work-time credit(s) were applied Discriminatorily and deceptively that insinuate rewards are given to Petitioner for His labor, without the actual quid pro quo as promised for His Labor.

This unequal application of time credits solely to those with a conviction with an affirmative finding is an absurd application of incentives, and is contrary to Petitioner's Property Interest Rights to "Incentive Remuneration" for Prison labor or reward for Good-behavior as Non-Aggravated Offenses, and is not Rationally Related.

Where the current Discrimination is not conducive to the goals of Rehabilitation, and is a false Representation of Good/worktime credits. contemporaneously, a negligent misuse of Tangible Personal property, i.e., "Inmate Time Calculation Computer". the nullification of said good/worktime credits arbitrarily revokes Petitioner's earned incentives for industrious and obedient conduct.

GROUND TWO
CONTINUES:

Pardons and Parole Division of TDCJ, that were never served on Petitioner. in that credibility Determination(s) were based on these Records and affidavits over Petitioner's Objections, see (Petitioner's State Ad Testificandum application). yet No "Rational-Basis Finding" were made for Discriminatorily denying Petitioner's earned Good/worktime incentives credits, as other Prison Laborers. even though Respondent(s) Implied quasi Good/Worktime Incentives was earned, and gregariously applied to Petitioner's sentence, and placed in the Prison computer, as all other Prisoners.

The State Court never adjudicated whether the Respondents good-time credits deception Practice constitute fraud or whether Petitioner's earned Implied quasi good-conduct/worktime credits is a synonym for reward or whether there is a Property interest Right to work incentive/good behavior rewards.

The State Court was without Jurisdiction to make any findings due to a pending Recusal motion against Judge Don Adams, whom neither referred the motion to the Judge of the Administrative-Judicial Region, nor Recuse Himself in accordance with State Statue.

D. **GROUND FOUR:** _____

Supporting FACTS (tell your story briefly without citing cases or law):

21. Have you previously filed a federal habeas petition attacking the same conviction, parole revocation, or disciplinary proceeding that you are attacking in this petition?

☐ Yes ☐ No

If your answer is "yes," give the date on which each petition was filed, the federal court in which it was filed, and whether the petition was (a) dismissed without prejudice or (b) denied.

22. Are any of the grounds listed in paragraph 20 above presented for the first time in this petition?

☐ Yes ☐ No

If your answer is "yes," state briefly what grounds are presented for the first time and give your reasons for not presenting them to any other court, either state or federal.

23. Do you have any habeas corpus proceedings or appeals now pending in any court, either state or federal, relating to the judgment or proceeding under attack?

☐ Yes ☐ No

If "yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 application, or federal habeas petition), the court in which each proceeding is pending, and the date each proceeding was filed.

Wherefore, petitioner prays that the Court grant him the relief to which he may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed on _____ (date).

Signature of Petitioner (required)

Petitioner's current address: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTHUR CARSON §

VS. §

DOUG DRETKE, DIR., §

AFFIDAVIT OF FACTS

I, Arthur Carson, being duly sworn, deposes and says;

(1). That I am the Petitioner in the foregoing habeas corpus, and that I have attached, as Exhibit-(a), My "Inmate Timeslip" for November 21, 2005, which indicates I have earned more than 24 years, 10 Months, 30 days total credits to My sentence, as a reward for My labor and Good-behavior for 17 Years. however, this time has not affected My sentence, and the Respondent's have acted in bad-faith by exploiting Me, and by misusing their time tracking computer.

(2). I have filed a time resolution request with Prison Officials, to no avail, see attached Exhibit-(b), "Letter from J. Windham, Clements Unit Grievance Investigator.

(3). Certain 3g Offenders are allowed to earn "Monetary Incentives", for their labor, e.g., "Texas Prisoner confined at the Cleveland, Estes, Lockhart, Bridgeport Facilities". this disparate in treating Me is contrary to law.

I swear the foregoing statements are true and correct to the best of My knowledge, pursuant to 28 U.S.C. § 1746.

dated this 1st day of Feb., 2006.

Arthur Carson
Arthur Carson, #517349

(solo-pg.)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTHUR CARSON
PETITIONER,

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VS.

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DOUG DRETKE, DIR.,
RESPONDENT.

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BRIEF IN SUPPORT OF APPLICATION
FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now the Petitioner, Arthur Carson, in accordance with Section 2241(C)(3), and 2254(a), 28 U.S.C., brings this His Brief in support of the Foregoing Federal Application for Habeas Corpus. Petitioner would like to show this Court that His Rights under the United States Constitution are Violated in several aspects by the Respondent. the Discriminatory application of Good-behavior and labor Incentive(s); The Fraudulent Representation of Earned Good-behavior and Work credits; the Nullification of Earned Implied quasi Goodtime credits without Due Process.

I.

The State Court's decision was contrary to, or Involved an Unreasonable Application of, Clearly Established Federal Law, as determined By the Supreme Court of the United States, see

Hernandez V.Johnson,248 F.3d.344,346(5Th Cir.2001),accord
William V.Taylor,529 U.S.362,405-05(2000).

The State Court failed or "Unreasonably applied" clearly
established Federal Law and failed to Correctly identify the
Governing precedent that applies to the facts of this particular
case.Petitioner brings into question the Constitutionality of
§ 508.149, Tex.Gov.Code that discriminates and have led to absurd
results in Prison Rehabilitation Incentive(s).

(1).The State Court has failed to apply the "Rational Basis-
Test" to Petitioner's claim(s) of discriminatorily denying Incen-
tives as remuneration to 3g Offenders,as other Offenders.

The rational Basis Test is used when reviewing a decision of
an Administrative Body,e.g.,"TDCJ-CID",see Munn V.Illinois,
94 U.S.113,134,24 L.Ed.77.

There exist no rational Relationship to a legitimate Penal
interest to discourage good behavior and labor to 3g Offenders,
by denying Incentives as Other Prisoners.the Respondent's have
choose to provide work/goodtime credits as payment,which entitles
a Liberty interest to Petitioner.Madison V.Parker,104 F.3d.765-
(5Th Cir.1997).Rewarding Prisoner's with some type of incentive
remuneration is Related to the Goals of Rehabilitation,see (S.Rep.-
NO.108,80th Cong., 1st Sess.,1 Reprinted in 1947 U.S. Code Cong.-
Serv.1070).

normally Commutation Statutes is to promote Prison Discipline by rewarding well-behaved Prisoners, Short V.U.S. 344 F.2d. 550-553 (D.C.Cir.1965).

The Governing Legislative Session for Petitioner's Conviction and Sentence is the 70th Legislature, which holds in pertinent part; "Inmates become Parole eligible when their flat time served and goodtime credits equals $\frac{1}{2}$ of their total sentence, (15 years total-flat time and goodtime credits is the maximum requirement.)

Inmates with aggravated crimes (i.e., "3g Offenders") must serve one fourth of their sentence in calendar time ("flat time"), minimum 2 years; maximum 15 years.

II.

PETITIONER'S LIBERTY INTEREST IN WORK/GOOD CONDUCT INCENTIVES

The Respondents have purported to Petitioner that His Good-conduct and labor were rewarded with Good-conduct credits. see (Petitioner's Exhibit-(A) "Inmate Time slip"). also see, TDCJ's Offender Orientation Handbook, pg. 7(D) "Good conduct Time", (Rev.- 11/04). Petitioner has a interest in Incentive(s), see Olim V.- Wakinekona, 461 U.S. 238, 103 S.Ct. 1741 (1983), accord, Kentucky Dept., - of Correction V. Thompson, 490 U.S. 454 (1981).

The interest at issue is Incentive Remuneration, which amounts to more than "Unilateral Hope", Connecticut Board of Pardons V.-

Dumschat, 452 U.S. 458, 101 S.Ct. 2460 (1981). Texas creation of incentive(s) for good conduct or Work, beget other Rights, Leis V. Flynt, 439 U.S. 438, 99 S.Ct. 698 (1979).

Petitioner has a Right to His share of Incentive, as well as Prison Discipline and Rehabilitation, as established in § 498.003-Tex. Gov. Code. Black's Law Dictionary defines "Interest" as a "Legal share in something; collectively, the word includes any aggregation of Rights, privileges, Powers, and immunities; Distributively, it refers to any one Right, Privilege, power, or immunity", (page 828, Eighth Edition, Black's Law).

goodtime in Texas is given to encourage Prison discipline, see Vernon's Ann. Civ. St. Art. 61841, (Repealed, Now Sec. 498.003, Tex. Gov. Code).

Thus, Petitioner's confinement Violates the United States Constitution and Treaties of the United States, as per the United Nations Charter of Universal Declaration of Human Rights, Article 23(2), that holds in part;

"Everyone, without any Discrimination, has the Right to equal pay for equal work."

This Treaty is not only a law, but also a contract between two Nations and must, if possible, be so construed, as to give full force and effect to all its part, Edye V. Robertson, 112 U.S. 580, 5 S.Ct. 247, 28 L.Ed. 798.

III.

PENDENT JURISDICTION:

The Respondent's fraudulent Misuse of Petitioner's good/work-time calculations into its computer, represent a misuse of tangible Property, pursuant to Section 101.021, CPRC., accord, Salcedo-Vs. El Paso Hosp., 659 S.W.2d.30, 32 (Tex.1983).

There exist No legitimate need to deceive 3g Offenders, the false crediting of goodtime, or worktime credits should be inherently a part of Petitioner's sentence since He worked and was industrious. Pruet V. State, 468 F.2d.51 (5th Cir.1972). the instant Statutory scheme, (§ 508.149, Tex.Gov.Code) denies Petitioner incentive consideration for maintaining good-behavior, or whom work's, creates both an unjustified Classification.

In accordance with the "Clean Hands Doctrine", the Respondent's deceptive reward to Petitioner of good/work-time credits constitute quasi-goodtime credit's earned, pursuant to Cannon V. Miller, 22-Wash.2d.227, 155 P.2d.500, 503, 507.

The Respondent's conduct has Violated Conscience or good-faith or other Equitable principles, see Franklin V. Franklin, 365 MO., 442, -283 S.W.2d.483, 486. thus, the Respondent should not be rewarded by permitting them to set into motion a Defense "That Petitioner's conviction contained an affirmative finding of the use and Exhibition of a Deadly Weapon", when for seventeen Years, under the aegis

of earned incentives,good'worktime Credits were fraudulently incorporated to Petitioner's sentence to deceptively manipulate, Physical and Mental exertion,excluding incentive(s) as other Prisoner's,whom performed the same Labor or maintained good-behavior.

IV.

INTERPRETATION AND APPLICATION OF STATUE(S)

The Specific language of § 508.149, Tex.Gov.Code donot resolve the question presented; "WHETHER TEXAS LAW PROHIBITS INCENTIVE FOR LABOR AND GOOD BEHAVIOR?" if so,it has led to an absurd result, where Petitioner's earned work/good behavior credits have in essence been taken away without due Process,see;Wolff V.McDonnell, 418 U.S.539,94 S.Ct.2963(1974).

When a Statue has led to an absurd or futile result,the United-States Supreme Court has looked beyond the words to the purpose of the Statue,see U.S.V.American Trucking Associations,310 U.S.534,- (1940).

In the case at hand,Reference should be made to the Legislative History of "Work and Good behavior Incentive(s) in Prison".clearly, the intent was not to fraudulent induce and reward Prisoner's with mythical rewards,as is the current practice of Respondents. as evidenced from Petitioner's Exhibit-(A),earned incentive credits have been Unconstitutionally taken away without Due Process.

Or deceptively promised Incentives as compared to non 3g Offenders, contrary to the Fourteenth Amendment of the United States Constitution, that provides; "No State shall make or enforce any laws which shall abridge the privileges or immunities of Citizens of the United States."

Petitioner brings into question the Constitutionality of the Government Code, sec. 508.149., that denies Petitioner's Liberty interest at some type of Incentive, (if) His earned credits are meaningless. this unequal treatment that is unjustified and donot bear a Rational Relationship to a Legitimate Governmental purpose, Bankers Life & Casualty Co., V. Crenshaw, 486 U.S. 71, 81, 108 S.Ct. - 1645 (1988). this standard has not been used in this case. the State habeas Court erred, where the Respondent's have never come forward with any explanation for denying INcentives to some 3g Offenders, for their Labor, that Constitute a Equal Protection claim, see Nash V. Black, 781 F.2d. 665-69 (8Th Cir. 1986).

Petitioner call upon this Court to fill a void or lacuna in the Statue interstitially, where the Judiciary may fill the interstices of a Statue, Southern Pac., Co., V. Jensen, 244 U.S. 205-221 (1917). The Respondent's donot reward all well behaved Prisoners which violates Petitioner's Rights, Woodson V. Att. Gen, 990 F.2d. - 1344, at 1350 (D.C. Cir. 1993).

WHEREFORE PREMISES CONSIDERED, The Respondent's have never addressed the factual predicate of Petitioner's claims, and Where there is NO Rational basis to deny some form of incentive to Petitioner, the application should be Granted. Contemporaneously, the refusal to apply Petitioner's earned credits in some technical sense to His sentence as non 3g Offenders, Amounts to Corporal-Punishment, and a denial of Implied earned quasi-goodtime credits.

This Court should conduct an Evidentiary Hearing herein.
dated this 14 day of Feb., 2006.

RESPECTFULLY SUBMITTED,
Arthur Carson
Arthur Carson# 517349
9601 Spur 591
Amarillo, Tx. 79107

NAME: CARSON, ARTHUR WAYNE

TDC NO: 00517349

UNIT: BC

RACE: B

*PREV PRJ-REL-DATE: 12 28 2008
*PRES PRJ-REL-DATE: 12 28 2008
*INMATE STATUS: L1 W

MAX-EXP-DATE: 12 28 2008
MAX TERM: 20 00 00

FLAT TIME CREDITED: 16 10 27
GOOD TIME CREDITED: 4 08 15
BONUS TIME CREDITED: 0 00 00
WORK TIME CREDITED: 3 03 18
*TOTAL TIME CREDITED: 24 10 30

CALC BEGIN DATE: 12 28 88
TDC RECEIVE DATE: 08 14 89
GOOD TIME LOST: 569
WORK TIME LOST: 182

*STATUS EFFECT DATE: 05 26 04 JAIL GOOD TIME RECEIVED: YES
PAROLE DATA: SUBMITTED FOR BOARD REVIEW

MONTHLY ABSENCE CALCULATION 17.0 ABSENCES FOR 10/05

ANY ERRORS IN THE NUMBER OF DAYS OF UNEXCUSED ABSENCES MUST BE
REPORTED TO THE ABSENTEE TRACKING COORDINATOR ON YOUR UNIT NO
LATER THAN SIX MONTHS FOLLOWING THE REPORTED MONTH. FAILURE TO
REPORT ERRORS MEANS AGREEMENT WITH THE REPORTED ABSENCES.

EXHIBIT-(A)

ISSUE NON-GRIEVABLE

- ☐ Direct this issue to (DRC) Director's Review Committee.
- ☒ Direct this issue to (BOC) Bureau of Classification - Time Credit Section.
- ☐ The grievance procedure implemented on 09-01-99 meets all legal requirements. Changes were made to provide a better system for offenders and staff. Change, even good change, may be difficult. We appreciate your effort in making the process work.
- ☐ You may not submit a Step 2 appeal on a Step One Grievance that was returned to you for improper submission. If you feel that the Step 1 was returned in error, you may contact the Unit Grievance Investigator for clarification.
- ☐ Disciplinary matters will not be addressed prior to the hearing. If you are not satisfied with the outcome of the hearing submit a Step 1 grievance stating the reasons for the appeal within 15 days of the hearing.

J. Windham - Investigator II DEC 0 5 2005

Offender Grievance Operations Manual
February 2000
Appendix U

Exhibit-(B)



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: _____

Date Received: _____

Date Due: _____

Grievance Code: _____

Investigator ID #: _____

Extension Date: _____

Date Retd to Offender: _____

Offender Name: Arthur Carson TDCJ # 517349
 Unit: Clements Housing Assignment: 8E09
 Unit where incident occurred: Clements

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Inmate Records Office When? 11/28/05
 What was their response? NOne

What action was taken? none

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

I have been unable to obtain a reply to My Time Resolution request
submitted as pursuant to Tex.Gov't Code,Sec.501.0081,yet the request
were filed more than four months ago,as a result the following issues
remain in dispute:"My Inmate Timeslip indicates that I have earned
for good behavior,and work,time credit(s) were placed in the Prison's
computer,and implied I earned them as incentive for diligent participation
in the Prison's programs,as per TDCJ'S Offender Orientation Handbook-
page 7,(D)(rev.11/04) "Good conduct time".

because I have a 3g Offense,these credits have no effect on my
sentence.this Misuse or Nonuse of my earned time credits are a
fraudulent Representation of Incentives for My labor and good-
behavior,and is nothing more than misuse of Tangible Personal property
that constitute a waiver of Liability with this false "Time-slip"

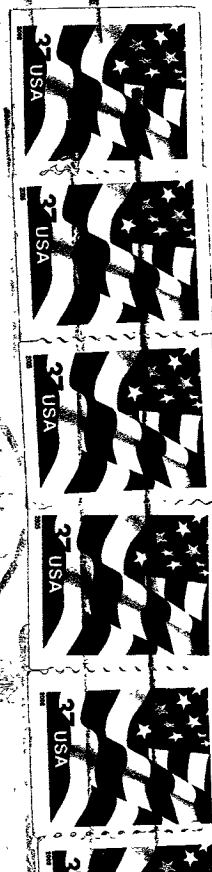
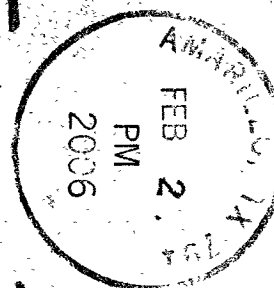
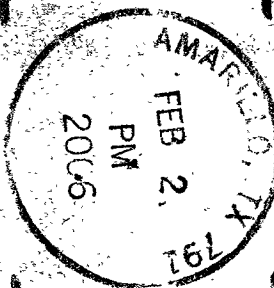
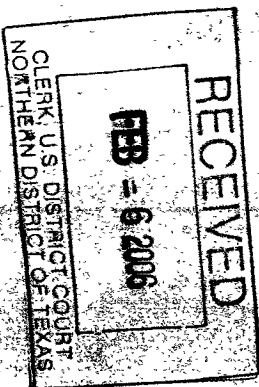
printout,see Harrison V.Board of Pardons,895 S.W.2d.807,809(Tex.App.
Tex.1995).this further Represent implied quasi-Good conduct/work-time
credits are being nullified without due process,and a discriminatory
application of incentives for good behavior and My labor as non 3g

offenders.

DEC 05 2005

DEC 05 2005

Arthur Condon # 517349
Alot Spar Sq 1
Amarillo, TX 79107



CLERK,
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
1100 Commerce St.
DALLAS, TX 752